

REMARKS

Claims 33-52 are pending. Claims 1-32 are currently canceled. Claims 39-52 have been withdrawn from consideration. Reconsideration of the application is requested.

Examiner Interview Summary

The undersigned counsel appreciates the courtesy afforded by the Examiner in granting the interview on July 9, 2010 to discuss the outstanding Advisory Action and the rejection of claims 33-38 under 35 USC § 102(b). In particular, the undersigned counsel submitted that the amendments to claim 33 made in response to the Final Office Action were only in response to the §112 rejection and, even without the amendments to claim 33, the cited prior art does not anticipate the invention of claim 33. The Examiner asked that a reply to the Advisory Action be filed that explains how claim 33, even without the §112 amendments, is not anticipated by the cited prior art. The present paper is the requested reply.

§ 102 Rejections

Claims 33-38 were rejected under 35 USC § 102(b) as being anticipated by WO 00/69985 ('985). It is submitted that, even without the previous §112 amendments, claim 33 would not be anticipated by '985.

Before the amendment in response to the Final Office Action, claim 33 expressly recited that the structured paper release liner comprised:

a piece of paper comprising fibers and having a release side free of a structural support layer, a back side, and a structured release surface having a pattern formed into, so as to deform the fibers of, said paper on said release side; and

a release material bonded to said structured release surface of said paper, wherein said release material does not form a structural support layer, wherein a structural support layer is a continuous plastic layer that is capable of having a structured pattern plastically formed therein, where the pattern is either completely contained within the layer of plastic or the plastic layer is thin enough that the pattern is at least partially formed in the paper core as well as the layer of plastic, and the layer of plastic could be separated from, or produced separately from, the paper core in one piece, and

wherein the pattern formed in said paper is dimensioned so as to form fluid egress channels in a bonding surface of the pressure sensitive adhesive, when the pressure sensitive adhesive is applied to said structured release surface or said structured release

surface is forced into the bonding surface of the pressure sensitive adhesive, such that the fluid egress channels define a structured bonding surface having exit pathways for at least some of the fluid to bleed out from behind the article when the article is adhered to a substrate. (Emphasis Added)

Thus, before the §112 amendment, claim 33 expressly recited that the release liner comprised a piece of paper having a release side that was free of a structural support layer, a release material was bonded to the release surface of the paper, and the release material does not form a structural support layer. Claim 33 also expressly defined the meaning of a “structural support layer”.

As noted above, before the previous §112 amendment, claim 33 expressly recited that the release side of the paper release liner was free of a structural support layer. The ‘985 reference discloses the use of release liners that include a “structural support layer” on their release side. In particular, on page 13, lines 13-23, the ‘985 reference discloses:

The use of a release liner or backing is one method suitable for forming the micro structured adhesive of the present invention. The release liner can be advantageously made of various materials. Preferred materials which the microstructured liner may include, but are not limited to plastics such as polyethylene, polypropylene, polyesters, cellulose acetate, polyvinylchloride, and polyvinylidene fluoride, as well as paper or other substrates coated or laminated with such plastics. These embossable coated papers or thermoplastic films are often siliconized or otherwise treated to impart improved release characteristics. The thickness of the release liner can vary widely according to the desired effect. Furthermore, it is possible to afford structures to the release liner by using various techniques, such as those disclosed in U.S. Patent No. 5,650,215 (Mazurek), herein incorporated by reference in its entirety. (Emphasis Added)

This passage clearly teaches that the release liners taught by ‘985 are either completely plastic or a paper backed plastic, which are often treated with a separate release material (e.g., silicone). The definition of the term “structural support layer”, which was recited in claim 33 and is still found in the present specification (e.g., paragraph [0008] in the published application), clearly includes the plastic component of the ‘985 release liners. Therefore, because each of the paper release liners disclosed in the ‘985 reference include a “structural support layer” on their “structured release surface”, the ‘985 reference does not disclose each and every element recited in claim 33. Accordingly, the §102 rejection of claims 33-38 should be withdrawn and the claims allowed.

Request for Rejoinder

Withdrawn claims 39-52 incorporate all the claim features of currently amended claim 33. Accordingly, it is submitted that they are patentable. Rejoinder of these claims is respectfully requested.

In view of the above, it is submitted that the application is in condition for allowance.

Respectfully submitted,

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